

(SPACE BELOW FOR FILING STAMP ONLY)

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Attorney for Cross-Defendant,
Sherman M. Unell, Trustee

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Franklin S. Cibula Corporation, Mark H. Cibula as Executor of the Estate of Franklin S. Cibula,)	CASE NO: CV 11 5383 LHK
)	ORDER TO DISMISS
)	CROSS- COMPLAINT
Cross-Complainants)	AS TO CROSS-DEFENDANT
)	SHERMAN M. UNELL,
United States Department of Treasury, Internal Revenue Service, and Sherman M. Unell, Trustee of the Sherman M. Unell Declaration of Trust Dated 2/14/1986, and ROES 1 to 50,)	Trustee of the Sherman M. Unell Declaration of Trust, dated 2/14/1986 (Fed R Civ Proc 41(a)(1)(A)(ii))
)	
Cross-Defendants.)	JUDGE: LUCY H. KOH
)	

For good cause shown as set forth in the Stipulation of Voluntary Dismissal Pursuant of F.R.C.P. 41(a)(1)(A)(ii) filed herein, the Court hereby accepts the stipulation of the parties hereto and, therefore, the court orders that:

1. This Cross-Complaint is dismissed without prejudice as to the cross-defendant, Sherman M. Unell, Trustee of the Sherman M. Unell Declaration of Trust Dated 2/14/1986, and

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2 2. The hearing set for July 26, 2012 at 1:30 p.m. with regard to Cross-Defendant,
3 Sherman M. Unell's, Motion to Dismiss Cross-Complaint as to Cross-Defendant,
4 Sherman M. Unell, Trustee of the Sherman M. Unell Declaration of Trust, dated
5 2/14/1986, shall be taken off calendar.
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7 Dated: April 18, 2012

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9 Honorable Lucy H. Koh
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